

Tips for Accessing Legal Aid

for Women Leaving Difficult Relationships

If you are leaving a difficult or abusive relationship, this booklet offers you basic information about applying for Legal Aid for a family law issue. If you can, speak with an advocate—a trained support person who helps people with legal issues — about your case before calling Legal Aid.

To find an advocate in the Vancouver area contact “Inform Vancouver” at 604-875-6381, for deaf and hard of hearing callers at 604-875-0885, or text 604-836-6381 —collect calls are accepted.

For complete Legal Aid application information go to the Legal Services Society website: <http://www.lss.bc.ca/>.

What is abuse?

Abuse, also called battering and domestic violence can take many forms including:

- physical harm such as hitting or hair pulling;
- threats against you, your children or your pets;
- controlling all of the money;
- forcing you to have sex or other sexual activities;
- breaking or destroying your possessions;
- ongoing insults and putdowns;
- or stopping you from seeing your friends and family.

Many women don't know if they have been abused. Sometimes women think it's not that bad or blame themselves. Sometimes men act very sorry and kind after they have been violent or abusive. Often the abuse will get worse over time.

If you think you might be unsafe and are afraid for your well-being you may want to talk to your friends or family, or call a 24-hour crisis line like **VictimLINK 1-800-563-0808** for more information and to talk about your situation. The crisis line won't tell anyone you have called them.

1. What is Legal Aid?

- Legal Aid is free legal help for low-income people with legal problems.
- In B.C., Legal Aid is provided by the Legal Services Society (LSS).

2. Who Can Apply for Legal Representation?

You can apply for a lawyer to assist you with your problem if:

- your legal problem is covered by Legal Aid;
- you have a low or moderate income (Legal Aid has specific income cut-offs based on factors like family size).

You can find out more about which types of issues are covered by Legal Aid and the financial guidelines: http://www.lss.bc.ca/legal_aid/legalRepresentation.asp but only a Legal Aid intake worker can determine whether or not you will qualify. So even if you think you might have too much money or have the wrong type of problem, you should still apply.

3. How do I apply for Legal Aid?

By phone

It usually takes an hour or more, so make sure you have at least one hour in a safe quiet space.

- In Vancouver and the Lower Mainland: 604-408-2172.
- Outside Vancouver: 1-866-577-2525.

It is best to call before 11 a.m. or after 2 p.m. when it is not as busy so you do not have to wait on hold as long.

In person

- Check where your local office is and when your local office is open by calling one of the numbers listed above or online at:
http://www.lss.bc.ca/legal_aid/legalAidOffices.asp

If you are nervous or feel like you might have a hard time answering questions, you may want to bring an advocate with you when you apply. **Advocates or friends are welcome to come in with you for the interview to support you, but you will still need to be the one providing information to the intake worker.**

If you need interpretation

- When you phone the Call Centre, you will hear messages describing different types of Legal Aid. Messages are in six languages: Cantonese, English, French, Mandarin, Punjabi, and Spanish.
- The messages explain that if you need services in languages other than English, you should tell the staff person who answers what language you speak so they can arrange a telephone interpreter right away.

4. Who you will talk to/ What they will do with your information

- When you call Legal Aid you will speak to a Legal Aid intake worker.
- The intake worker won't tell anyone what you said, and everything you say will only be used to decide if you can get Legal Aid.
- Legal Aid workers, like all people, have to call the police or child protection if they think a child is in immediate danger.
- If you are assigned a lawyer, your lawyer will not share your information with anyone without your permission.

5. What types of questions they will ask you

- Legal Aid will ask you about your legal problem and why you need Legal Aid;

- Legal Aid will also ask for proof of how much money you have.
- If you have already been at court they will want to see any court papers you have.

6. What they may not ask but it is important to communicate

There is information that the intake worker might not ask for, but that you should give them. It can be hard to tell a stranger on the phone or in person about your problem but, it is very important to give Legal Aid all the facts about your case so that they can see the full problem.

If you are dealing with one of these situations it is important to tell Legal Aid even if they do not ask you about it. This may help you get Legal Aid approval:

- **Abuse, Violence and Threats:** abuse can be emotional (he makes you feel scared, sad or hurt inside), financial (he won't let you buy things you need, he keeps all the money or takes the money that you get), physical (he pulls your hair, pushes you, hits or kicks you), sexual (forces you to engage in sexual activities), mental (he calls you names or tells you that you are crazy) or spiritual (uses threats of your religion against you)—if your (ex)-partner has done any of these things to you it is important to let the Legal Aid worker know.
- **Denied Access to Children:** if your (ex)-partner will not let you see your children or says he will take them away or give them to other people it is important to let the Legal Aid worker know.
- **Medical condition, disability or mental health issue:** Diagnosed or Undiagnosed—if you have a medical or health condition, a visible disability or an invisible disability (like a learning disability), or mental health issue such as anxiety or depression, that would make it hard for you to speak for yourself in court it is important to let the Legal Aid worker know.
- **Language barriers or literacy issues:** if it is hard for you to read, write or speak English,

or if it is difficult for you to read or write in general, or to use a computer it is important to let the Legal Aid worker know.

- **Financial information:** if you do not know how much money you or your family has or if you cannot get to your or your family's money it is important to let the Legal Aid worker know.

7. What to do if you are denied Legal Aid

Decisions about whether you qualify for Legal Aid are based on the information you provide to the intake worker.

If you are denied Legal Aid and you realize you forgot to tell the worker everything, **you can ask the Legal Aid staff to look at your situation again and you can also ask them to have their supervisor look at your situation.** Start by speaking with the Legal Aid staff who said you were denied. This is a good time to get help from an advocate.

- **Ask for a review:** the intake worker will provide a "Legal Representation Services – Refused" form that will tell you why your application was refused and the review process. If you apply over the phone, the form will be mailed to you or faxed at your request.

If something changes in your case, such as a change in your income or you become more afraid of your ex because he is being more abusive you can reapply. **Also be sure to ask the Legal Aid worker about other services that you might be eligible for.**

There are other options if you do not qualify for legal representation:

- **Access Justice Legal Clinics:** 604-878-7400 or 1-877-762-6664.
- **Family Duty Council:** lawyers are available at courthouses to provide brief service to people with court proceedings.
- **Jane Doe Legal Network:** 604-255-9700 ext. 102.

- **Law Students' Legal Advice Program:** 604-822-5791
- **Lawyer Referral Service:** 604-687-3404 or 1-888-687-3404.
- **Salvation Army:** 604-299-3908 or 1-800-SAL-ARMY.

8. Step by step worksheet

Before you apply for Legal Aid you may want to think about these things:

- Do you have a quiet, safe place to call from? Talking to someone about your legal problems, especially when you have concerns for your and your children's safety, can be very hard. When possible, find somewhere safe to call from so you can give as much information as possible.
- Do you have at least one hour to call or go to Legal Aid? You will likely wait on hold and it can take a while so try to find a time when you have an hour or more. If you can, try to call before 11am or after 2 p.m. when it is not as busy.
- Do you need childcare? Children can go to Legal Aid with you but if you will not be able to speak freely (will your children tell your ex), it is best to bring someone with you who can care for your child[ren] in the waiting room.
- Do you need an interpreter? Bring a friend or family member who can interpret if you can. LSS can arrange for an interpreter using a phone service if you can't.
- Do you want to talk to an advocate or bring someone with you? To find an advocate in the Vancouver area contact "Inform Vancouver" listed here at the top. Advocates or friends are welcome to attend the interview or be with you when you phone in. They can support you as you explain the situation and remind you if important details were missed.

9. Documents to bring to Legal Aid

- **Identification such as a:**
 - Care Card
 - Social Insurance Number
 - B.C. ID or Driver's License
 - Permanent Residency Card
 - passport.
- **Proof of income such as:**
 - a recent welfare or disability stub
 - two recent pay stubs
 - a printed bank statements from the last three months
 - a recent income tax return.
- **You will also need proof of assets such as:**
 - proof of how much things you own or have are worth such as a car or a savings account
- **Any documents related to your legal issue such as:**
 - a tenancy agreement
 - notices
 - court orders or papers
 - a separation agreement
 - a restraining order or peace bond
 - evidence of abuse (police file # - do not worry about the actual file; emails or voicemails; doctor's notes)
- **If you are dealing with an immigration or refugee law issue, documents related to your status in Canada or the reason you fled your home country such as:**
 - documents from police or doctors about abuse faced in home country
 - refugee application documents
 - any documents from Immigration Refugee Board, Citizenship and Immigration Canada, etc.
 - decisions on previous immigration applications
 - sponsorship applications.

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This booklet was produced with funding from the Status of Women Canada.

PIVOT
equality lifts everyone

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